

JURISDICTION:
General Reference:

ILLINOIS
West's Smith-Hurd Illinois Compiled Statutes Annotated

Required Use of Safety Belts¹:

Requirements:

I. A driver and front seat passengers shall wear safety belts when a motor vehicle is in operation.² §625 ILCS 5/12-603.1(a)³
II. A driver, who is <18 years old, and each of such driver's passengers, who are <18 years old, must wear a safety belt when a motor vehicle is in operation.⁴ §625 ILCS 5/12-603.1(a)
III. A motor vehicle operator transporting a child ≥6 but <16 years old shall secure such child in a safety belt. §625 ILCS 5/12-603.1(a)
Secondary Enforcement. No motor vehicle driver or passenger shall be stopped or searched by a law enforcement officer solely on the basis of a violation or suspected violation of these requirements.⁵ §625 ILCS 5/12-603.1(e)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Petty Offense: A fine of not more than \$25.² §625 ILCS 5/12-603.1(d)
Note: The law does not appear to assign points for a violation of these requirements.

Required Use of Safety Belts: (continued)

Effect on Civil Liability:

Failure to wear a seat belt in violation of the law shall not be considered evidence of negligence, shall not limit the liability of an insurer and shall not diminish any recovery for damages arising out of the ownership,

¹**Exemptions.** The requirement to use a safety belt does not apply in the following circumstances: (1) To a driver or passengers who are operating or riding in a motor vehicle that makes frequent stops for the purpose of delivering property and provided the speed of the vehicle between stops is ≤15 MPH; (2) to drivers and passengers who for medical or physical reasons cannot wear seat belts; (3) to a driver operating a motor vehicle in reverse; (4) to persons operating or riding in motor vehicles either with a model year prior to 1965 or that are not required by Federal law to have seat belts; and, (5) to persons operating or riding on motorcycles, motor driven cycles, or motorized pedalcycles. §625 ILCS 5/12-603.1(b)

²**School Bus Operators.** "No school bus shall be operated unless the driver has properly restrained himself with the lap belt assembly." §625 ILCS 5/12-807 A person, who is convicted of violating this requirement, is subject to the following sanctions. Either a 1st or 2nd violation of this requirement is a Petty Offense with a fine of not more than \$500. A 3rd violation (within 1 year) is a Class C Misdemeanor with an incarceration term of not more than **30 days** and/or a fine of not more than \$500. §§625 ILCS 5/16-101 & 16-104 and §§730 ILCS 5/5-8-3(a)(3) & 5-9-1(a)(3)

³The State supreme court has held that this statutes "does not violate the due process clauses of the State and Federal constitutions." *State v. Kohrig*, 498 N.E.2d 1158 (Ill. 1986) (Appeal was dismissed by the U.S. Supreme Court for want of a substantial federal question. 479 U.S. 1073 (1987))

⁴I. Under separate provisions of law, a person <18 years old is not to operate a motor vehicle either with more than one passenger in the front seat or with more passengers in the back seats than there are safety belts. A driver less than 18 years old when operating a second division vehicle, that has only a front seat and that weights ≤8,000 lbs., may transport more than one person in the front seat provided each passenger is wearing a safety belt. §625 ILCS 5/12-603(b-5) II. A person violating these requirements is subject to the following sanctions. A 1st and 2nd offense is a Petty Offense and the offender is subject to a fine of not more than **\$1,000**. A 3rd or subsequent offense (within 1 year) is a Class C Misdemeanor and the offender is subject to an imprisonment term of not more than **30 days** and/or a fine of not more than **\$1,500**. §§625 ILCS 5/16-104, 730 ILCS 5/5-8-3(a)(3) and 730 ILCS 5/5-9-1(a)(3) & (4)

⁵An appellate court has created a judicial exception to this requirement. If a vehicle has been stopped at a vehicle safety checkpoint, the driver (or passengers) may be issued a citation for failure to wear a safety belt. In brief, the court reasoned that the initial stop was not solely for the purpose of safety belt law enforcement and, consequently, a citation for non belt use could be issued. *People v. Edwards*, 673 N.E.2d 752 (Ill.App. 3 Dist. 1996)

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maintenance or operation of a motor vehicle. §625 ILCS 5/12-603.1(c)

Required Use of Child Safety Restraint Systems⁶:

Requirements:

- I. A person transporting a child <4 years old in a motor vehicle⁷ shall secure such child in a child restraint system that has been approved by the Federal Government.⁸ §625 ILCS 25/4
- II. A person transporting a child ≥4 but <6 years old in a motor vehicle⁶ shall secure such child either in a child restraint system that has been approved by the Federal Government or a seat belt. §625 ILCS 25/4a
- III. A person, who is <18 years old, when transporting a child, who is ≥6 but <18 years old, in a motor vehicle⁶ must secure such child in a safety belt. §626 ILCS 25/4b

Sanctions for Failure to Require the Use of Child Restraint Systems:

Petty Offense: 1st offense-A fine of not more than **\$25** Subsequent offense-A fine of not more than **\$50** §625 ILCS 25/6 Note: The law does not appear to assign points for a violation of these requirements.

Effect on Civil Liability:

In no event shall a person's failure to secure a child as provided by law constitute contributory negligence or be admissible as evidence in the trial of any civil action. §625 ILCS 25/5

Required Use of Motorcycle Protective Headgear:

Requirements:

None⁹ Note: "No unit of local government, including a home rule unit,

⁶**Exemptions.** The requirement to use a child passenger restraint system or seat belt does not apply with respect to children who have a physical disability of such a nature as to prevent the proper use of such a system or belt. §625 ILCS 25/7 (¶3)

⁷For the purposes of this requirement, a "motor vehicle" means (1) a non-commercial motor vehicle of the first division, (2) a motor vehicle of the second division with a gross vehicle weight rating ≤9,000 lbs. or (3) a recreational vehicle. §625 ILCS 25/4 Note: A "first division" motor vehicle is one designed to carry not more than 10 persons. A "second division" motor vehicle is either (1) one that is designed to carry 10 or more persons, (2) one that has living quarters, (3) one that is designed to either pull/ carry freight or cargo or (4) one that is an implement of husbandry. §625 ILCS 5/1-146

⁸For children <4 years old, the parent or legal guardian shall provide a child restraint system to any person who is transporting their child. A person, who transports a child of another that is not restrained in such a system, is not in violation of this requirement unless such a system was provided to the person. §625 ILCS 25/4

⁹Failure to wear protective headgear is not considered to be comparative negligence and thus cannot be used as evidence to mitigate

may enact an ordinance requiring motorcycle users to wear protective headgear." §625 ILCS 5/11-208(e)

Required Use of Motorcycle Protective Headgear:
(continued)

Sanctions for Failure to Use:

Required Use of Motorcycle Eye Protection Device:

damages. *Hukill v. DiGregorio*, 484 N.E.2d 795 (Ill.App. 2 Dist. 1985)

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Requirements: A person who operates or rides on a motorcycle, motor driven cycle or motorized pedalcycle must be protected by glasses, goggles or a transparent shield.¹⁰ §625 ILCS 5/11-1404(a)

Sanctions for Failure to Use: 1st & 2nd offenses (petty offense)-A fine of not more than **\$1,000**
3rd or subsequent offense (within 1 years) (Class C Misdemeanor)-An imprisonment term of not more than **30 days** and/or a fine of not more than **\$1,500** §§625 ILCS 5/16-104, 730 ILCS 5/5-8-3(a)(3) and 730 ILCS 5/5-9-1(a)(3) & (4) Five (5) points are assessed against a persons's driving record a violation of this requirement. 92 Illinois Administrative Code §1040.20(c)

Required Use of Bicycle Protective Headgear:

Requirements: **None**

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements: **None**

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements: **None**¹¹

Sanctions for a Violation:

Exemptions:

¹⁰Contact lenses are not acceptable eye protection devises. §625 ILCS 5/11-1404(c)

¹¹Even though there is no statutory authority prohibiting this activity, such a prohibition may have been indirectly established for persons <18 years old and certain children via the provisions of the Safety Belt Use and Child Safety Restraint Systems laws.

